

Citizen Participation and Public Petitions Committee
Wednesday 19 February 2025
3rd Meeting, 2025 (Session 6)

PE2126: Ensure abortion services are available up to 24 weeks across all parts of Scotland

Introduction

Petitioner Gemma Clark

Petition summary Calling on the Scottish Parliament to urge the Scottish Government to ensure abortion services are available up to the twenty-fourth week of pregnancy across all NHS health boards in Scotland.

Webpage <https://petitions.parliament.scot/petitions/PE2126>

1. This is a new petition that was lodged on 28 November 2024.
2. A full summary of this petition and its aims can be found at **Annexe A**.
3. A SPICe briefing has been prepared to inform the Committee's consideration of the petition and can be found at **Annexe B**.
4. Every petition can collect signatures while it remains under consideration. At the time of writing, 254 signatures have been received on this petition.
5. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered.
6. The Committee has received submissions from the Scottish Government and the British Pregnancy Advisory Service (BPAS) and Back Off Scotland, which are set out in **Annexe C** of this paper.

Action

7. The Committee is invited to consider what action it wishes to take on this petition.

Clerks to the Committee
February 2025

Annexe A: Summary of petition

PE2126: Ensure abortion services are available up to 24 weeks across all parts of Scotland

Petitioner

Gemma Clark

Date Lodged

28 November 2024

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to ensure abortion services are available up to the twenty-fourth week of pregnancy across all NHS health boards in Scotland.

Background information

I previously called for this action as part of [petition PE1969: Amend the law to fully decriminalise abortion in Scotland](#), and feel that this aspect was not responded to by the Scottish Government during the consideration of that petition.

Recent media reports suggest that there is only one doctor in Scotland who is trained to provide surgical abortions up to the legal limit, which is forcing vulnerable people to travel to England to end their pregnancies.

STV news have reported that “the number of women and girls travelling to England from Scotland for abortion care has been rising – going from 42 in 2021 to 65 in 2022 and 68 in 2023. By April this year, 26 women were already forced to make the journey”.

Annexe B: SPICe briefing on petition PE2126



[PE2126](#) calls on the Scottish Parliament to urge the Scottish Government to ensure that abortion services are available up to the 24th week of pregnancy across all NHS health boards in Scotland. The petitioner previously called for action on this issue in their petition [PE1969: Amend the law to fully decriminalise abortion in Scotland](#). They felt that [the Scottish Government's response to PE1969](#) did not sufficiently address this aspect of the petition, and therefore raised the matter separately in PE2126.

Brief overview of issues raised by the petition

Abortion law in Scotland

Under the terms of the [Abortion Act 1967](#), which currently applies to Scotland, England, and Wales, an abortion can legally be accessed up to 24 weeks of pregnancy if continuing with a pregnancy would pose a greater risk to the pregnant woman's mental or physical health than accessing an abortion. This is commonly known as a Ground C abortion, in reference to the relevant provision of the Act. Abortion services can also be accessed up to 24 weeks' gestation if continuance of a pregnancy would involve risk, greater than if the pregnancy were terminated, of injury to the physical or mental health of any existing child(ren) of the family of the pregnant woman, known as a Ground D abortion. Beyond 24 weeks' gestation, abortions can only be conducted if there is a significant risk to the life of the pregnant woman, or evidence of foetal abnormality. Abortion law was devolved to Scotland under [Section 53 of the Scotland Act 2016](#).

Prevalence of later stage abortion

Most abortions in Scotland are conducted during the first trimester of pregnancy (up to 12 weeks). [Public Health Scotland's most recent data](#) states that in 2023, almost four in five procedures were carried out before nine weeks' gestation. In the same year, [1.2% of abortions in Scotland were conducted at 18 weeks' gestation or later](#). Later stage abortions ([at 20 weeks' gestation or later](#)) are sometimes accessed due to medical reasons, such as a foetal abnormality, which may be diagnosed during [the 20-week foetal anomaly scan](#). [Other issues including barriers to accessing abortion care, waiting lists for abortion services, a change in personal circumstances, experience of domestic abuse, or late detection of pregnancy](#), may lead patients to access later stage abortion services under Grounds C and D of the Abortion Act 1967.

Later stage abortion procedures

Abortions at 20 weeks' gestation or later, whether medically or surgically administered, are more complex procedures performed by trained specialists. For women who require [a later stage termination for medical reasons](#) (TFMR), a medically-induced abortion is currently the only option offered in Scotland, as no surgical abortion provision is available for patients at a later gestation. [A medically-induced abortion at a later gestation may necessitate foeticide](#), an injection to stop the foetus' heart before abortion is induced. This procedure would be carried out by a foetal medical consultant. The option to travel to England for a surgically-managed abortion is not currently offered to women in need of TFMR.

Conversely, in instances where a woman is between 20 and 24 weeks' gestation and a Ground C or D abortion is required, the only option currently available would be to travel to England for a surgical abortion. The medically-induced abortion option available to women who require termination for medical reasons is not currently offered to women seeking a Ground C or D abortion at a later stage. Though little information exists concerning the reasons for this difference in provision, it is thought that [some healthcare professionals may conscientiously object to performing foeticide for an abortion on these grounds](#).

Second trimester [surgical abortions after 18-20 weeks may require a more complex procedure called dilatation and evacuation](#), which is performed under general anaesthetic. Pregnant patients in Scotland who request a Ground C or D abortion after 20 weeks' gestation are usually required to travel to British Pregnancy Advisory Service (BPAS) or other clinics in England for this specialist procedure.

Current provision of later stage abortion services in Scotland

[Healthcare Improvement Scotland's Sexual Health Standards](#) currently instruct all NHS Boards and Integrated Joint Boards (IJBs) to provide local abortion services up to at least 20 weeks' gestation. This standard appears to have largely been met, with [all mainland NHS Boards currently providing abortion services to at least 19 weeks and 6 days' gestation](#). Where abortion provision beyond 20 weeks is not available locally, the Standards require NHS Boards and IJBs to "work in partnership to provide an appropriate and person-centred care pathway for all women, trans and non-binary people requiring an abortion up to the legal limit". Currently, [no Scottish NHS Boards offer Ground C or D abortion services up to the legal limit of 24 weeks](#).

[Data published by BPAS showed that in 2022, 65 patients from Scotland accessed later stage abortion care at BPAS clinics in England](#). Between January 2019 and May 2023, BPAS provided later gestation abortion care to 282 patients from Scotland. BPAS noted that this figure includes women and girls aged under 16.

[The requirement to travel to England to access later stage abortion services can carry emotional, physical, and financial implications for pregnant women and girls in Scotland](#). The cost of travel can present a barrier for those seeking to access abortion care, as they may be required to pay travel and accommodation costs upfront and claim back the cost. [Travelling back to Scotland following a dilatation and evacuation procedure may be physically challenging](#); common after-effects of the procedure include pain and bleeding. Rare, but serious complications include

retained pregnancy tissue, haemorrhage, and perforation of organs, which may require additional procedures to address.

It is not clear why later stage Ground C and D abortions are not currently available in Scotland. However, [research suggests that a lack of senior management support, a perceived lack of need due to the low number of abortions performed later in pregnancy, and “distaste” for performing the procedure among medical professionals may be contributory factors.](#) [A 2024 qualitative study exploring providers’ perspectives on barriers to later stage abortion in Scotland](#) identified healthcare system issues as a key concern, including funding and resource constraints, and a lack of relevant surgical expertise; [only one surgeon in Scotland is currently trained to provide surgical abortion after 13 weeks](#). Some of the study participants also cited clinical and ethical concerns associated with later stage abortion, and the impact of systemic abortion stigma upon service provision.

[In its written response to the petition, the Scottish Government confirmed that it is exploring options to improve provision of later stage abortion services in Scotland.](#)

The response stated:

“In early 2023, the Scottish Government formally commissioned NSS National Services Division (NSD) to produce a specification on the optimal delivery proposal for a later stage abortion service. Significant work was completed to develop a proposal. With no Health Board at that stage able to host the national service proposed, a Short Life Working Group was established to recommend the most attainable and sustainable way of delivering services in Scotland. The Scottish Government hopes to agree a solution with Boards as soon as possible.”

“We understand concerns around this issue and remain committed to working with Health Boards to agree a solution. This is expected to involve consideration of a regional service so that later stage abortions would be provided in more than one location in Scotland.”

The Scottish Government also stated that it has committed to providing funding to clinicians who wish to train to provide later stage abortion services in Scotland.

Scottish Government actions

In addition to the actions outlined above, the Scottish Government identified improved access to abortion care as a key priority in its [Women’s Health Plan 2021-24](#) stated improved access to abortion care among its priorities for women’s health in Scotland. Its two aims in relation to these priorities were:

1. All women will be able to access timely abortion care without judgment.
2. All women will have choice about how and where they access abortion care.

The Plan also committed to a medium-term action of “provid[ing] mid-trimester abortion care locally or regionally for all indications.”

In its [Final Report for the Women's Health Plan](#), published in November 2024, the Scottish Government stated that it "has committed to ensuring abortion provision within Scotland to the legal limit of 24 weeks, for all patients. National Services Scotland (NSS) has done significant work to consider the available delivery options for a later stage abortion service in Scotland."

In October 2023, the [Minister for Public Health and Women's Health stated in response to written question S6W-22062](#) that the Scottish Government was working with individual NHS Boards to support clinicians who wish to receive training to deliver later stage abortions to be granted funding to do so.

Scottish Parliament actions

As the petitioner notes, the Citizen Participation and Public Petitions Committee previously considered this issue in the context of [PE1969: Amend the law to fully decriminalise abortion in Scotland](#). The [petition was closed](#) in light of the Scottish Government's plans to conduct a review of abortion law with the aim of ensuring that abortion is considered a healthcare matter. However, the petitioner felt that the matter of later stage abortion provision was not sufficiently addressed in the Scottish Government's response to the petition.

Sarah Swift

Researcher

9 January 2025

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

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Annexe C: Written submissions

Scottish Government written submission, 7 January 2025

PE2126/A: Ensure abortion services are available up to 24 weeks across all parts of Scotland

I refer to your email of 28 November 2024 asking for the Scottish Government's views on the action called for in the above petition.

The petition calls for the Scottish Parliament to urge the Scottish Government to ensure abortion services are available up to the twenty-fourth week of pregnancy across all NHS health boards in Scotland.

The Scottish Government has committed to ensuring abortion services are available within Scotland up to 24 weeks gestation for all patients who require it. We are working urgently with NHS Boards and other key stakeholders to determine the most appropriate way forward.

In June 2022, the Scottish Government wrote to all Health Boards to request that all mainland Boards provide abortions to at least 20 weeks gestation, with the aim of providing services at later gestations where possible, in line with Healthcare Improvement Scotland's Sexual Health Standards. All mainland Boards subsequently confirmed that they are providing services to at least 19+6 weeks gestation.

There are a range of complex, inter-related issues that have prevented a service being established within Scotland thus far, and the Scottish Government is continuing to explore all options to ensure this service is readily available in Scotland.

In early 2023, the Scottish Government formally commissioned NSS National Services Division (NSD) to produce a specification on the optimal delivery proposal for a later stage abortion service. Significant work was completed to develop a proposal. With no Health Board at that stage able to host the national service proposed, a Short Life Working Group was established to recommend the most attainable and sustainable way of delivering services in Scotland. The Scottish Government hopes to agree a solution with Boards as soon as possible.

We understand concerns around this issue and remain committed to working with Health Boards to agree a solution. This is expected to involve consideration of a regional service so that later stage abortions would be provided in more than one location in Scotland.

The Scottish Government has also committed to providing funding to any clinician who wishes to train to provide later stage abortion services within Scotland.

In the meantime, we are clear that where Health Boards cannot provide these services locally, they must provide patients with a patient-centred pathway to access the healthcare they need.

Separately, the Scottish Government continues work ongoing to improve access to abortion services. This includes an Expert Group established to take forward the first phase of a review into the law on abortion, with the aim of ensuring that abortion is first and foremost a healthcare matter.

I hope this response is helpful.

Yours sincerely,

Abortion Policy Team

British Pregnancy Advisory Service (BPAS) and Back Off Scotland written submission, 14 January 2025

PE2126/B: Ensure abortion services are available up to 24 weeks across all parts of Scotland

Dear Citizen Participation and Public Petitions Committee,

We are writing to you today with regard to 'PE2126: Ensure abortion services are available up to 24 weeks across all parts of Scotland' as presented by Gemma Clark.

The British Pregnancy Advisory Service (BPAS), along with Back Off Scotland, supports the petition's aim to ensure that all women across Scotland are able to access abortion care up to the legal limit across all NHS health boards in Scotland.

As the largest provider of abortion in the UK, BPAS along with Back Off Scotland, a grassroots campaign focused on removing barriers to accessing abortion healthcare in Scotland, we are extremely concerned about the rising numbers of women travelling to England to access care¹ they are legally entitled to receive in Scotland, a recent report suggesting that only one doctor in the whole of Scotland is trained to provide surgical abortion care up to the legal limit².

Currently, there is nowhere in Scotland where women seeking abortion care after 20 weeks' gestation can access treatment³. Over the years, thousands of Scottish women have had to make the journey down to England (often London, Liverpool, or Doncaster) to access abortion care that they are legally entitled to receive in Scotland but cannot due to the systematic failure of the Scottish Government and NHS to provide care up to the legal gestational limit.

BPAS have provided care to numerous young girls and women when the NHS in Scotland failed them. Currently, we are seeing between one and two women and girls travelling to us from Scotland per week. Some recent women we treated included:

- A **16-year-old girl** who found out she was pregnant at 23 weeks. Her family were anti-abortion so she had to ask her boyfriend's mother to take her to

¹ BPAS, [New figures show score of women forced to travel from Scotland for abortion care](#). 2023.

² The Herald, 'Only one Scottish doctor is trained in surgical care to legal limit'. 2024.

³ [Scottish Parliament, Written Question reference: S6W-14610](#). 2023.

London for treatment at a BPAS clinic. She says that the '*fear and shame*' she suffered at that time made her **contemplate suicide** to escape the situation.

- A **teenager** discovered she was having a cryptic pregnancy after her contraceptive injection failed. When the local sexual health clinic told her that in order to get an abortion she would have to travel to a clinic in England, she vomited on herself out of shock. She had to pay **thousands of pounds upfront** out of her own pocket in order to pay for travel and accommodation, and had to share her bed at the hotel whilst recovering from the procedure with her recently-divorced parents because she couldn't afford two separate rooms.
- A woman with **addiction issues** found out she was pregnant beyond 20 weeks and that she would not be able to access abortion care in Scotland. BPAS arranged treatment for her in London but she was experiencing very poor mental health, complex addiction issues, and was struggling to leave her home. The woman had **no support available from family or friends**, and her ex-partner was on remand awaiting trial at the time of appointment. BPAS provided her with on-going support during the journey she eventually took **by herself**.
- A **BAME student** found out she was pregnant whilst still living at home. She was unable to confide in anyone about her situation and **was not allowed to spend nights away** from the family home. Travelling to England for treatment meant that she would be away from home for multiple nights, so she **asked BPAS to call her family and explain that she had a compulsory educational engagement away from home**. The teenager felt that her **life may be at risk** if her family or partner found out she had been pregnant.

We have worked tirelessly to highlight the challenges faced by women who cannot access timely surgical abortion care in Scotland. Our advocacy has brought national attention to the plight of women forced to travel to England for these services.

In response to our advocacy efforts, the Scottish Government stated that they would collaborate with any health board willing to establish a surgical abortion service. In 2023, they commissioned the NHS National Service Division to create a specification for the creation of a surgical abortion service somewhere in Scotland⁴. Despite two rounds of attempts, no health board has volunteered to host the service.

The Government has said that they are unwilling to consider commissioning any organisation outside the NHS to deliver this essential care. This is despite a recent article in the British Medical Journal SRH stating that there is an appetite amongst providers to offer the care, but barriers – including systemic abortion stigma within the NHS – are blocking the creation of this service⁵.

This situation is untenable. BPAS and Back Off Scotland support the petition and call for the Committee to hold the Scottish Government to account on

⁴ Scottish Government, [Women's Health Plan 2021-2024: Final Report](#), 2024.

⁵ BMJ SRH, [Providers' perspectives on barriers to post-20-week Ground C abortion in Scotland](#), 2024.

their promises to deliver abortion care up to the legal limit across Scotland. Despite years of assurances, hundreds of women are still having to travel, and these are often some of the most clinically vulnerable. We ask that the Committee recognise the seriousness of this matter and that a debate in the Scottish Parliament is scheduled in an attempt to bring this matter to the forefront of Scottish politics.